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12 *Attorneys for Creditor*
13 *Select Portfolio Servicing, as loan*
14 *servicer and attorney-in-fact for ACE*
15 *Securities Corp., Home Equity Loan Trust, Series 2006-NC3,*
16 *Asset Backed Pass-Through Certificates*

17 **UNITED STATES BANKRUPTCY COURT**
18 **DISTRICT OF NEVADA**

19 IN RE:
20 TRACY LEE ROUSE-HURST,
21 Debtor.

22 **CASE NO.: BK-12-23874-BTB**

23 **Chapter: 11**

24 TRACY LEE ROUSE-HURST, an Individual
25 Plaintiff,

26 **Adversary No. 13-01218-btb**

27 v.
28 SELECT PORTFOLIO SERVICING, INC., AS
29 LOAN SERVICE AND ATTORNEY-IN-FACT
30 FOR ACE SECURITIES CORP., HOME
31 EQUITY LOAN TRUST, SERIES 2006-NC3,
32 ASSET BACKED PASS-THROUGH
33 CERTIFICATES, a Foreign Corporation;
34 and HSBC BANK USA, NATIONAL
35 ASSOCIATION, AS TRUSTEE IN TRUST
36 FOR THE REGISTERED HOLDERS OF ACE
37 SECURITIES CORP., HOME EQUITY LOAN
38 TRUST, SERIES 2006-NC3, ASSET BACK
39 PASS-THROUGH CERTIFICATES, a National
40 Association,

41 **ANSWER TO PLAINTIFF'S
42 ADVERSARY COMPLAINT**

43 Defendants.

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

1 Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE AND
2 ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN TRUST,
3 SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, by and through
4 their attorneys, the law firm of Holland & Hart, LLP, hereby responds to the allegations
5 contained in the Adversary Complaint (“Complaint”) filed by TRACY LEE ROUSE-HURST,
6 an Individual, as follows:

JURISDICTIONAL AND PARTIES

8 1. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
9 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
10 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, calls for a
11 legal conclusion, to that extent an answer is required, Defendant is without knowledge or
12 information sufficient to form a belief as to the truth of the allegations to Paragraph 1 of
13 Plaintiffs' Complaint and therefore denies the same.

14 2. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
15 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
16 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, calls for a
17 legal conclusion, to that extent to that extent an answer is required, Defendant is without
18 knowledge or information sufficient to form a belief as to the truth of the allegations to
19 Paragraph 2 of Plaintiffs' Complaint and therefore denies the same.

20 3. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
21 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
22 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, calls for a
23 legal conclusion, to that extent to that extent an answer is required, Defendant is without
24 knowledge or information sufficient to form a belief as to the truth of the allegations to
25 Paragraph 3 of Plaintiffs' Complaint and therefore denies the same.

26 4. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
27 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
28 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, calls for a

1 legal conclusion, to that extent, Defendant is without knowledge or information sufficient to
2 form a belief as to the truth of the allegations to Paragraph 4 of Plaintiffs' Complaint and
3 therefore denies the same.

4 5. SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE AND
5 ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN TRUST,
6 SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, calls for a legal
7 conclusion, to that extent an answer is required, Defendant is without knowledge or information
8 sufficient to form a belief as to the truth of the allegations to Paragraph 5 of Plaintiffs' Complaint
9 and therefore denies the same.

10 6. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
11 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
12 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, is without
13 knowledge or information sufficient to form a belief as to the truth of the allegations to
14 Paragraph 6 of Plaintiffs' Complaint and therefore denies the same.

15 7. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
16 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
17 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, is without
18 knowledge or information sufficient to form a belief as to the truth of the allegations to
19 Paragraph 7 of Plaintiffs' Complaint and therefore denies the same.

20 8. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
21 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
22 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, admits to
23 the allegations contained in paragraph 8 of Plaintiff's Complaint.

24 9. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
25 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
26 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, is without
27 knowledge or information sufficient to form a belief as to the truth of the allegations to
28 Paragraph 9 of Plaintiffs' Complaint and therefore denies the same.

Background

2 10. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
3 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
4 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, admits to
5 the allegations contained in Paragraph 10 of Plaintiffs' Complaint.

6 11. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
7 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
8 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, is without
9 knowledge as to time or information sufficient to form a belief as to the truth of the allegations to
10 Paragraph 11 of Plaintiffs' Complaint and therefore denies the same.

11 12. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
12 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
13 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, calls for a
14 legal conclusion, to that extent an answer is required, Defendant is without knowledge or
15 information sufficient to form a belief as to the truth of the allegations to Paragraph 12 of
16 Plaintiffs' Complaint and therefore denies the same.

17 13. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
18 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
19 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, admits to
20 the allegations contained in paragraph 13 of Plaintiff's Complaint.

21 14. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
22 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
23 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, is without
24 knowledge or information sufficient to form a belief as to the truth of the allegations to
25 Paragraph 14 of Plaintiffs' Complaint and therefore denies the same.

26 15. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
27 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
28 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, is without

1 knowledge or information sufficient to form a belief as to the truth of the allegations to
2 Paragraph 15 of Plaintiffs' Complaint and therefore denies the same.

3 16. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
4 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
5 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, calls for a
6 legal conclusion, to that extent an answer is required, Defendant is without knowledge or
7 information sufficient to form a belief as to the truth of the allegations to Paragraph 16 of
8 Plaintiffs' Complaint and therefore denies the same.

9 17. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
10 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
11 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, calls for a
12 legal conclusion, to that extent an answer is required, Defendant is without knowledge or
13 information sufficient to form a belief as to the truth of the allegations to Paragraph 17 of
14 Plaintiffs' Complaint and therefore denies the same.

15 18. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
16 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
17 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, denies the
18 allegations contained in Paragraph 18 of Plaintiffs' Complaint.

19 19. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
20 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
21 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, admits
22 the allegations contained in Paragraph 19 of Plaintiffs' Complaint.

23 20. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
24 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
25 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, calls for a
26 legal conclusion, to that extent an answer is required, Defendant denies the allegations contained
27 in Paragraph 20 of Plaintiffs' Complaint.

28

1 21. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
2 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
3 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, is without
4 knowledge or information sufficient to form a belief as to the truth of the allegations to
5 Paragraph 21 of Plaintiffs' Complaint and therefore denies the same.

6 22. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
7 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
8 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, is without
9 knowledge or information sufficient to form a belief as to the truth of the allegations to
10 Paragraph 22 of Plaintiffs' Complaint and therefore denies the same.

11 23. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
12 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
13 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, is without
14 knowledge or information sufficient to form a belief as to the truth of the allegations to
15 Paragraph 23 of Plaintiffs' Complaint and therefore denies the same.

FIRST CAUSE OF ACTION
(Declaratory Relief)

18 24. In response to Paragraph 24 of Plaintiffs' Complaint, Defendant SELECT
19 PORTFOLIO SERVICING, INC., AS LOAN SERVICE AND ATTORNEY-IN-FACT FOR
20 ACE SECURITIES CORP., HOME EQUITY LOAN TRUST, SERIES 2006-NC3, ASSET
21 BACKED PASS-THROUGH CERTIFICATES, incorporates by reference its responses to
22 paragraphs 1 through 23 as if fully set forth herein.

23 25. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
24 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
25 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, denies the
26 allegations contained in Paragraph 25 of Plaintiffs' Complaint.

27 26. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
28 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN

1 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, is without
 2 knowledge or information sufficient to form a belief as to the truth of the allegations to
 3 Paragraph 26 of Plaintiffs' Complaint and therefore denies the same.

4 **SECOND CAUSE OF ACTION**
 5 (Injunctive Relief)

6 27. In response to Paragraph 27 of Plaintiffs' Complaint, Defendant SELECT
 7 PORTFOLIO SERVICING, INC., AS LOAN SERVICE AND ATTORNEY-IN-FACT FOR
 8 ACE SECURITIES CORP., HOME EQUITY LOAN TRUST, SERIES 2006-NC3, ASSET
 9 BACKED PASS-THROUGH CERTIFICATES, incorporates by reference its responses to
 10 paragraphs 1 through 26 as if fully set forth herein.

11 28. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
 12 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
 13 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, calls for a
 14 legal conclusion, to that extent an answer is required, Defendant is without knowledge or
 15 information sufficient to form a belief as to the truth of the allegations to Paragraph 28 of
 16 Plaintiffs' Complaint and therefore denies the same.

17 29. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
 18 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
 19 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, is without
 20 knowledge or information sufficient to form a belief as to the truth of the allegations to
 21 Paragraph 29 of Plaintiffs' Complaint and therefore denies the same.

22 **THIRD CAUSE OF ACTION**
 23 (Attorney's Fees)

24 30. In response to Paragraph 30 of Plaintiffs' Complaint, Defendant SELECT
 25 PORTFOLIO SERVICING, INC., AS LOAN SERVICE AND ATTORNEY-IN-FACT FOR
 26 ACE SECURITIES CORP., HOME EQUITY LOAN TRUST, SERIES 2006-NC3, ASSET
 27 BACKED PASS-THROUGH CERTIFICATES, incorporates by reference its responses to
 28

1 paragraphs 1 through 29 as if fully set forth herein.

2 31. Defendant SELECT PORTFOLIO SERVICING, INC., AS LOAN SERVICE
3 AND ATTORNEY-IN-FACT FOR ACE SECURITIES CORP., HOME EQUITY LOAN
4 TRUST, SERIES 2006-NC3, ASSET BACKED PASS-THROUGH CERTIFICATES, denies the
5 allegations contained in Paragraph 31 of Plaintiffs' Complaint.
6

7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, having fully answered Plaintiff's Complaint, Defendant SELECT
9 PORTFOLIO SERVICING, INC., AS LOAN SERVICE AND ATTORNEY-IN-FACT FOR
10 ACE SECURITIES CORP., HOME EQUITY LOAN TRUST, SERIES 2006-NC3, ASSET
11 BACKED PASS-THROUGH CERTIFICATES, prays for the following relief:

12 1. That Plaintiffs take nothing by virtue of its Complaint;
13 2. That Plaintiffs' Complaint be dismissed with prejudice;
14 3. For an award of reasonable attorneys' fees and costs against Plaintiff; and
15 4. For such other and further relief as this Court may deem just and equitable.
16

17 DATED March 24, 2014.

18 By: 

19 Lars K. Evensen, Esq.

20 Joseph G. Went, Esq.

21 Holland & Hart LLP

22 9555 Hillwood Drive, 2nd Floor

23 Las Vegas, Nevada 89134

24 *Attorneys for Creditor
Select Portfolio Servicing, as loan
servicer and attorney-in-fact for ACESecurities
Corp., Home Equity Loan Trust, Series 2006-
NC3, Asset Backed Pass-Through Certificates*

CERTIFICATE OF SERVICE

1. On the 24th day of March, 2014 I served the following document(s):

- **ANSWER TO PLAINTIFF'S ADVERSARY COMPLAINT**

2. I served the above-named document(s) by the following means to the persons as

listed below:

a. ECF System

TRACY LEE ROUSE-HURST
Added: 12/11/2013
(Plaintiff)

represented by

BRANDON L. PHILLIPS
3960 HOWARD HUGHES PKWY SUITE 500
LAS VEGAS, NV 89169
702-795-0097
702-795-0098 (fax)
blp@abetterlegalpractice.com
Assigned: 12/11/13

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 24th day of March, 2014

/s/ Alexis Grangaard

SIGNATURE OF DECLARANT

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134